

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Kate, et al.

Plaintiffs,

vs.

de Blasio, et al.

Defendants.

**ORDER TO SHOW CAUSE**

Civil Action No. 1:21-cv-07863

Upon consideration of the annexed (1) Plaintiff's Memorandum of Law in Support of Motion for a Temporary Restraining Order and Preliminary Injunction; (2) Declaration of Sujata Gibson, dated October 4, 2021, along with the exhibits attached thereto; and (3) Expert Declaration of Dr. JAYANTA BHATTACHARYA, M.D., PhD; (4) Expert Declaration of DR. MARTIN MAKARY, M.D., M.P.H. ; (5)*Declaration of Michael Kane*; (6) *Declaration of William Castro*; (7) *Declaration of Margaret Chu*; (8) *Declaration of Robert Dillon, IV*; (9) *Declaration of Robert Gladding*; (10) *Declaration of Anthony Block*; (11) *Declaration of Heather Jo Clark*; (12) *Declaration of Nwakaego Nwaifejokwu*; (13) *Declaration of Trinidad Smith*; and (14) Plaintiff's Complaint, filed September 21, 2021, and good cause having been shown, it is hereby

**ORDERED** that the above-named Defendants appear before this Court, at Room

\_\_\_\_\_, United States District Court for the Southern District of New York, located at

\_\_\_\_\_ on \_\_\_\_\_, 2021 at

\_\_\_\_ : \_\_\_\_ o'clock in the [ ] forenoon [ ] afternoon thereof, or as soon thereafter as counsel may be heard, to show cause why preliminary injunctive relief not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:

Granting a preliminary injunction staying the Order of Dave A Chokshi, M.D., Commissioner of the New York City Department of Health and Mental Hygiene entitled “Order of the Commissioner of Health and Mental Hygiene to require Covid-19 Vaccination for Department of Education Employees, Contractors, and Others” (DOE Vaccine Mandate) and reinstating anyone terminated or suspended for noncompliance with the DOE Vaccine Mandate pending resolution of these proceedings; and it is further

**ORDERED** that sufficient cause having been shown, pending a hearing of the Plaintiff's application for preliminary injunction, but in no event more than fourteen days beyond the issuance of this order unless extended by the Court, a temporary restraining order is GRANTED, the DOE Vaccine Mandate is stayed, and any adverse employment action taken in reliance on the regulation is retroactively enjoined, such that implementing employers must reinstate suspended or terminated employees and restore any benefits or other terms of employment that were withheld on the basis of lack of compliance with the mandate; and it is further

**ORDERED** that no security should be required of the Plaintiff because Defendants would incur no additional expenses from the relief requested herein; and it is further

**ORDERED** that a copy of this order, together with the papers upon which it is granted, be personally served upon the Defendants or via email on their attorneys on or before

\_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_:\_\_\_\_ o'clock in the [ ] forenoon

[ ] afternoon and that such service be deemed good and sufficient; and it is further

**ORDERED** that opposing papers, if any, shall be served by email on Sujata Gibson, Esq. Gibson Law Firm, PLLC, attorneys for the Plaintiff, received on or before \_\_\_\_\_, 2021 at \_\_\_\_\_ a.m./p.m.

Dated: \_\_\_\_\_, New York

---

United States District Judge